

CITY OF ANGELS CITY COUNCIL MINUTES

Tuesday, March 15, 2011

Council Members Present: Jack Boeding (Mayor), Jack Lynch (Vice Mayor), Elaine Morris and Stuart Raggio

Staff Present: David Richards, Richard Matranga, Dave Hanham and Todd Fordahl and Vanessa Apodaca

4:30 P.M. CALL TO ORDER

ADJOURN TO CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO California Government Code Section 54957.6: Police MOU, City Employee representatives – Council Member Lynch and City Administrator Richards
- B. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation. Significant Exposure to Litigation pursuant to subdivision (b) of Section 54956.9 (one case)
- C. PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – City Administrator

6:00 P.M. RECONVENE TO REGULAR CITY COUNCIL MEETING

ACTION TAKEN IN CLOSED SESSION

- A. CONFERENCE WITH LABOR NEGOTIATOR PURSUANT TO California Code Section 54957.6: Police MOU, City employee representatives: Council Member Lynch and City Administrator Dave Richards
Action Taken: Negotiators given direction to proceed with MOU discussions.
- B. CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation. Significant Exposure to Litigation pursuant to subdivision (b) of Section 54956.9 (one case)
Action Taken: No action taken on litigation case. Two water/wastewater employees promoted
- C. PURSUANT TO CALIFORNIA CODE SECTION 54957: Performance Evaluation – City Administrator
Action Taken: No action taken.

APPROVAL OF AGENDA

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 4-0 APPROVING THE AGENDA AS PRESENTED

STAFF UPDATES

Vanessa Apodaca – City Engineer

- Have received the Caltrans encroachment permit for transit transfer station.

Dave Richards – City Administrator

- Reviewed report included in packet

Todd Fordahl – Interim Chief of Police

- Reviewed report included in packet

Dave Hanham – Planning Director

- Received bid for historical environmental (Façade Grant)

COUNCIL UPDATES

Council Member Morris

- Attended CCOG – search for executive director continuing

Council Member Lynch

- Attended Personnel Finance as alternate for Mayor Boeding.
- Attended centennial meeting – September 2012 celebration
- Attended UPA – discussed Ag. Rate structure

Mayor Boeding

- Attended a tree planting ceremony by the County Gardeners at Utica Park.
- Attended ACBA – presentation with City police and fire dogs

PUBLIC COMMENTS

Anne Forrest – President Brand Leadership Team

- Publicly thanked Council Member Raggio for donating his Council stipend to the Branding Program.

Rich Lochemes – Angels Camp Resident

- Requested to meet with a City committee to discuss the benefits of medicinal marijuana.

Direction: staff to contact Mr. Lochemes to discuss information on medicinal marijuana

George Fry – 308 Elderberry Lane

- Read a letter he wrote and sent to the newspaper(s) regarding his intended recall of Council Member Turco, Mr. Turco's resignation and appointment of a new Council Member.
- Stated that it is sunshine week pertaining to laws regarding transparency.

CONSENT AGENDA

MOTION by Council Member Lynch, seconded by Council Member Raggio and carried 4-0 ADOPTING THE CONSENT AGENDA AS PRESENTED:

- a. Minutes of Regular meeting –March1, 2011
- b. Approve Resolution No. 11-09, Annual Youth parade
Direction: Resolution to be changed to include ending time of parade
- c. Authorize City Clerk to advertise vacancies on Planning Commission:
 - ONE (1) SEAT VACANT DUE TO CULLICK RESIGNATION - TERM EXPIRES JUNE 30, 2012.
 - ONE (1) 3-YEAR TERM, JULY 2011 - JUNE 2014

REGULAR MEETING

ACCEPTANCE OF COUNCIL MEMBER RESIGNATION

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 4-0 accepting the resignation of Craig Turco as Council Member whose term expires December 2012.

George Fry – 308 Elderberry Lane

Asked if the Council will be determining if they will be appointing or electing the new Council Member. The City Attorney explained that the Council has 30 days to appoint. If an appointment cannot be made, the City will need to hold a special election. Council Member Morris said she believes legislation has changed the appointment period from 30 days to 60 days.

Direction: City Attorney will see if this is correct.

Jack Johnson – Angels Camp resident

Asked the Council to appoint a Council Member and not spend money on a special election.

MOTION by Council Member Raggio, seconded by Council Member Morris and carried 4-0 DIRECTING THE CITY CLERK TO MOVE FORWARD WITH PROCEDURES FOR THE ADVERTISING AND APPOINTMENT PROCESS TO FILL THE VACANT CITY COUNCIL SEAT

1. **2011 STREET IMPROVEMENT PROJECT PRESENTATION**

MOTION by Council Member Lynch, seconded by Council Member Raggio and carried 4-0 ADOPTING THE PLANS AND SPECIFICATIONS FOR THE STREET IMPROVEMENT PROJECT AND DIRECTING THE CITY ENGINEER TO SOLICIT BIDS

2. **SUSPENSION OF LLD PROPERTY ASSESSMENT**

The City Attorney explained that the surplus of funds in the LLD budget is due to the recent change of the City taking maintenance control of the roads in Greenhorn Creek.

Carmin Rosato – 379 Perlina Terrace

Explained that he had sent a letter to the City Council several months ago asking for review of the excess balance in the Greenhorn Creek/LLD account. His letter stated that he felt the assessments for FY 2010-2011 failed to meet the provisions of the California Landscape and Lighting Act of 1972. He requested the Council cancel the assessment as per the 'Act', it appears invalid.

Bob Menary – Angels Camp Resident

Stated that cancelling or suspending the LLD assessment is premature. There is one large project coming up and the cost needs to be considered before any decision is made.

Paul Backowski – Angels Camp Resident

Explained that he is a member of the LLD committee and an RFP is currently being worked on for the restoration and maintenance of the wetlands. He asked the Council to wait until the amount of the wetlands expense is known before making any decision.

Clarence Hartley - Angels Camp Resident

Explained that he was involved with the formation of GHC and it is premature to touch any funds because there are many projects needing to be done. Also, he feels it would be better to not to give away something that can't be brought back.

George Fry – Angels Camp Resident

Agreed with the previous speakers that this suspension or cancellation of assessment is premature.

Scott Behiel – 338 Mill Road

Asked if there was a time frame for a decision on the assessment. Asked the Council to wait on a decision regarding the assessment balance or future assessments suspension.

Jack Johnson – Angels Camp Resident

Asked who pays for repairs if the GHC landscaping causes problems to the roads. He recommended a reserve be kept.

Clarence Hartley - Angels Camp Resident

Stated that the assessment is for maintenance and improvement of the grounds within Greenhorn Creek.

Carmin Rosato – 379 Perlina Terrace

Clarified that there is a timeframe when the assessment needs to be submitted to the County – the third week in August. He also explained that the City Council accepted the LLD's budget and Engineer's report for 2010-2011 but did not look at the surplus. This surplus is in violation of the California Code.

The City Attorney acknowledged there is a time frame for informing the County of assessments, but the surplus needs to be determined first. He suggested the Finance Officer look at the numbers and continue this item to the April 19th council meeting.

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 4-0 DIRECTING THIS ITEM BE REFERRED TO THE FINANCE OFFICER TO GATHER INFORMATION ON THE LLD SURPLUS BALANCE AND ANY ADDITIONAL INFORMATION AND PRESENT TO THE COUNCIL AT THEIR APRIL 19, 2011 REGULAR MEETING

3. **PUBLIC HEARING: ADOPT ORDINANCE #449**

Building Inspector Steve Flaigg reviewed the ordinance amendment to the Building and Construction Code.

Open Public Hearing

Clarence Hartley – Angels Camp Resident

Asked if sprinklers are required with new permits. Steve explained that this requirement is for new construction only.

Public Hearing Closed

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 4-0 ADOPTING ORDINANCE NO. 449. AMENDING TITLE 15 (BUILDING & CONSTRUCTION), CHAPTER 15.04, SECTION 15.04.020 (ADOPTION) OF THE CITY OF ANGELS MUNICIPAL CODE

4. **PUBLIC HEARING: ADOPT ORDINANCE #450**

Fire Marshall Nathan Pry reviewed the request to add controlled debris burning to the Health and Safety Code.

Public Hearing Opened

Jack Johnson – Angels Camp Resident

Spoke in opposition of this addition to the Municipal Code stating that this is just one more law to be followed.

Scott Behiel – Angels Camp Resident

Felt this ordinance was not people friendly and stated he was opposed to adding this to the Code.

Anne Forrest – Angels Camp Resident

Spoke in opposition of this addition to the Municipal Code.

George Fry – Angels Camp Resident

Spoke in opposition of this addition to the Municipal Code.

Public Hearing Closed

MOTION by Council Member Lynch to ADOPT ORDINANCE NO. 450 ADDING CHAPTER 8.44 TO TITLE 8 (HEALTH & SAFETY) OF THE CITY OF ANGELS MUNICIPAL CODE IMPOSING CONTROLLED DEBRIS BURNING

MOTION DIED DUE TO LACK OF SECOND.

5. **PUBLIC HEARING: ADOPT ORDINANCE #451**

Fire Marshall Nathan Pry reviewed the request to add fireworks use and their restrictions to the Health and Safety Code.

Public Hearing Opened

Scott Behiel – Angels Camp Resident

Spoke in opposition of this addition to the Municipal Code.

George Fry – Angels Camp Resident

Spoke in opposition of this addition to the Municipal Code.

Public Hearing Closed

MOTION by Council Member Lynch, seconded by Council Member Morris and carried 3-1 with Council Member Raggio voting 'NO' ADOPTING ORDINANCE NO. 451 ADDING CHAPTER 8.48 TO TITLE 8 (HEALTH & SAFETY) OF THE CITY OF ANGELS MUNICIPAL CODE IMPOSING FIREWORKS USE AND RESTRICTIONS

Meeting was adjourned at 7:00 PM.

Jack Boeding
Mayor

ATTEST:

Mary Kelly
City Clerk